



Appeal Decision

Site visit made on 6 May 2025

by **E Heron MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23 JUNE 2025

Appeal Ref: APP/E2001/W/25/3358828

Flat 2, 27 Nightingale Road, Bridlington YO16 6RF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Robert Hearn against the decision of East Riding of Yorkshire Council.
 - The application Ref is 24/00130/PLF.
 - The development proposed is change of use of 1 dwelling/flat at first and second floor level (Class C3) to a mixed use of 1 dwelling/flat (Class C3) or holiday accommodation (Sui Generis) including erection of a porch and installation of a Juliet balcony to front.
-

Decision

1. The appeal is allowed and planning permission is granted for change of use of 1 dwelling/flat at first and second floor level (Class C3) to a mixed use of 1 dwelling/flat (Class C3) or holiday accommodation (Sui Generis) including erection of a porch and installation of a Juliet balcony to front, at Flat 2, 27 Nightingale Road, Bridlington YO16 6RF in accordance with the terms of the application, Ref 24/00130/PLF, and subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following plans: 'Site Location and Block Plan' (drwg. No. C0064-100 P4); 'Proposed Plans Sht1' (drwg. No. C0064-111 P3); 'Proposed Plans & Elevations Sht2' (drwg. No. C0064-112 P3).
 - 2) The swimming pool shall not be used for commercial purposes associated with the holiday use hereby approved after 9:30pm on any day.

Preliminary Matters

2. The description of the proposal has been amended in the heading above to omit wording that references the fact that the proposal is retrospective and a resubmission of a previous planning application. These are not acts of development.
3. As part of the appeal submission, the appellant has put forward a revised site plan, which shows a reduced number of car parking spaces. However, I am mindful that the appeal process should not be used to evolve a scheme to overcome the Council's reasons for refusal. I have therefore determined the appeal on the basis of the plans as originally submitted.
4. During the course of the appeal, the Council adopted the East Riding Local Plan Update (2025 – 2039), (Local Plan). This has resulted in some of the policies referred to in the decision being replaced by the newly adopted policies. I have

determined the appeal on the basis of the most up-to-date development plan. The appellant has had the opportunity to comment on the implications of the change.

5. The revised National Planning Policy Framework (the Framework), was published in December 2024 in respect of decision making. There are no substantive changes relative to the appeal before me other than paragraph numbering and therefore no interested parties would be prejudiced by my consideration of this version of the Framework.

Main Issues

6. The main issues are the effect of the development on:
 - the living conditions of neighbouring occupiers in particular regard to noise and disturbance; and
 - highway and pedestrian safety, having particular regard to the proposed on-site parking arrangements.

Reasons

Living Conditions

7. The appeal site is within a quiet residential area of semi-detached properties and bungalows. The host building is detached, and the Council advises that it was built to accommodate 2 flats. The upper flat is the subject of the appeal and is within the first floor and the loft space. It has five bedrooms and is capable of accommodating 10 occupants. The occupants also have access to the enclosed swimming pool in the rear garden. The ground floor flat is occupied by the owners.
8. Driveways separate the building from the neighbouring properties on either side and there is limited outdoor space associated with the upper flat, other than the front hardstanding and the access along the driveway to the swimming pool. From the plans, the pool building has no windows or doors on the rear elevation, and double doors are set back from the boundary with either adjoining neighbour. As the main useable spaces of the accommodation are indoors and detached from neighbouring properties, this limits noise and disturbance emanating from the appeal site. I acknowledge that in warmer weather, doors and windows are more likely to be kept open in one or both buildings, and more noise may be discernible. However, this would also be the case were the property to be solely used as a five bedrooomed dwelling.
9. I am advised that the flat has been available to book for holiday makers since July 2022, long enough for harmful levels of noise and disturbance to be noticed. The Council's Environmental Control consultee advises that two complaints have been received. One in June 2022 alleging disturbance relating to late-night pool parties and bright lighting. The second in September 2023 solely in relation to lighting. One neighbour cites noise and disturbance late into the night in the past, concerns in relation to the pool use, and also children being kept awake. Meanwhile other neighbours' comment that they have not experienced noise issues.
10. I have limited evidence before me in relation to the specific timing of the neighbour's noise concerns. However, I note that there have been no recent complaints to the Council in this respect. In the absence of specific evidence to the contrary, this suggests to me that noise and disturbance are generally past events,

not ongoing issues. This is the case even though the locality is generally a quiet residential area. Moreover, the proposed limitation on hours of use of the pool to 9.30pm, as recommended by the Environmental Control consultee, would in my view ameliorate late night disturbance, and prevent misuse of the pool.

11. The holiday let is managed by the occupant of the lower flat, and they have rules that do not allow group bookings such as stag or hen parties. Ownership, however, may change in the future. The Council's stance is that the impact of a poorly managed tourism site has a strong potential to generate noise and disturbance due to guest numbers and proximity to dwellings. However, they also state that families with young children can make equally as much noise, and that it would be difficult to distinguish between guests and residents, in respect of the noise from the pool. As such, and in the absence of substantive and contextual evidence, I am not persuaded that the proposed use of the upper flat as a holiday let would give rise to more noise and disturbance compared with its use as a large residential dwelling. I also do not consider the proposed use to be an overdevelopment of the commercial use, for the same reason.
12. For the above reasons, I conclude that the proposal would not have an unduly harmful effect on the living conditions of neighbouring occupiers in particular regard to noise and disturbance. Accordingly, I find no conflict with the relevant provisions of Policies ENV1 and ENV6 of the Local Plan. Amongst other things, these policies require new development to achieve high quality of design having regard to the amenity of existing properties, and to be managed to ensure that it does not result in unacceptable pollution consequences to the wider community.

Highway and Pedestrian Safety

13. The site has hardstanding to the front and a wide driveway to the north side of the main building. A further narrower driveway is to the south side of the building, outside of the application site.
14. The car parking arrangement for eight cars, as shown on the submitted plans, does not meet the Council's space standards. However, from my site visit, it is apparent that the site can comfortably accommodate several cars to the front and side. This is likely to be less than the eight indicated for practical reasons, for example parallel parking may be required at the front. However, I consider the vehicles shown on the site plan to be indicative only. Moreover, even if manoeuvring were required, the street is lightly trafficked, not heavily parked and there is good visibility both ways given the open aspect nature of the site frontage. As such, I am not persuaded that a failure to meet parking space standards in this case would directly lead to a harmful effect on highway safety.
15. It may be the case that space is reduced for guests or occupants accessing the swimming pool from the house when vehicles are parked in the driveway, but it would not block access completely. Furthermore, guests would be known to one another, and in this domestic setting they would be more willing to accept reduced space. Unlike for example a large commercial setting such as a public car park. I do not therefore consider that access would be so compromised as to be detrimental to pedestrian safety, even if space standards are not met.
16. For the above reasons, I conclude that the proposal does not have an unduly harmful effect on highway and pedestrian safety, having particular regard to the proposed on-site parking arrangements. Accordingly, I find no conflict with the

relevant provisions of Policies ENV1 and EC4 of the Local Plan. Amongst other things these policies require equality of safe access, movement and use, and a number of parking spaces that reflect efficient use of space available.

Other Matters

17. Concern has been raised that the holiday let use represents an overdevelopment of the commercial use of the site. In respect of visual impact, the Council states that the nature and scale of the development is not inappropriate to the character of the area, and I see no reason to disagree.
18. I acknowledge concerns in respect of existing external lighting. I also note one comment that two internet holiday rental sites show the use of a garden is included in bookings, although no other evidence has been provided to demonstrate that this is the case. Both the garden and the lighting fall outside of the appeal site area and are outside of the scope of my decision.

Conditions

19. I have not imposed a time limit condition as the development is already in use. I have included the list of plans for certainty. I have imposed the Council's recommended condition preventing access to the pool after 9:30pm, to protect neighbouring occupiers from undue noise and disturbance late at night.

Conclusion

20. For the reasons given above, I conclude that the appeal should be allowed.

E Heron

INSPECTOR